

REMARKS

This application is a continuation of parent application Serial No. 10/170,763 filed June 13, 2002. Original claims 1-21 of the parent application are cancelled in favor of new claims 22-25 presented herein for consideration.

New claims 22 and 25 respectively correspond to claims 25 and 26 in the parent application which were rejected therein under 35 U.S.C. § 103 as being unpatentable over European patent 1 270 235 to Xiao in view of U.S. patent 5,801,737 to Sato, et al. and further in view of U.S. patent 5,949,461 to Jones, et al. Copies of the latter three patents are submitted herewith and, for the reasons set forth hereinafter, it is respectfully submitted that claims 22 and 25 presented herein patentably distinguish from this prior art and are allowable together with claims 23 and 24 which are dependent from claim 22.

Claim 22 sets forth applicant's improvement in an ink cartridge having a vent including an opening through the top wall of the cartridge housing. The improvement comprises the opening through the top wall including a cylindrical neck having an outer end, a porous member resting on the outer end to cover the opening, and a cap securing the porous member on the neck. It was the examiner's contention in connection with corresponding claim 25 in the parent application that it would be obvious to a person skilled in the art to make the non-removable porous member 436 in Figure 10 of Xiao removable through the use of a cap, such as that on a medicine bottle. It is respectfully submitted that this analogy is not supported by the prior art patents relied on by the examiner. To begin with, claim 22 calls for the opening through the top wall to have a cylindrical neck having an outer end and for the porous member to rest on the outer end and to be secured on the neck by a cap. None of the patents to Xiao, Sato, et al. and Jones, et al. discloses a cylindrical

neck having an outer end, and none of the references discloses a porous member resting on the outer end of such a neck structure. Moreover, there is absolutely nothing in this prior art to even remotely suggest the use of a cap to secure a porous member on the outer end of a cylindrical neck. The only suggestion in this respect comes from applicant's disclosure and amounts to hindsight reconstruction of the prior art. Moreover, a threaded medicine bottle cap is not associated with a vent through which air is admitted into the bottle. It is respectfully submitted, therefore, that claim 22 patentably distinguishes from the prior art and is allowable.

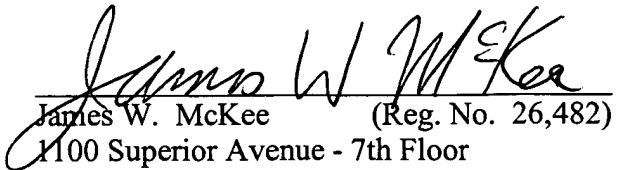
New claims 23 and 24 are dependent from claim 22 and, therefore, distinguish from the prior art for the same reasons set forth hereinabove with regard to claim 22. Moreover, claim 23 defines the neck structure in a manner which further distinguishes from the prior art.

With regard to the claim in applicant's parent application corresponding to new claim 25, it was the examiner's contention that element 6 in Figure 12 of Sato, et al. is a diaphragm, and that it would have been obvious to a person skilled in the art to rearrange the diaphragm of Sato, et al. by covering the inner opening of the hole 3 with the diaphragm to enhance air regulation. It is respectfully submitted that this contention is not supported by the disclosure of Sato, et al. In this respect, claim 25 clearly sets forth that the vent in the top wall of the ink cartridge housing is for venting air into the chamber from atmosphere. Element 6 in Sato, et al. is not a diaphragm and, even if positioned to underlie the opening 3 in Sato, et al. would not operate as a diaphragm having a flexible portion overlying the opening as required in claim 25. More particularly in this respect, element 6 in Sato, et al. is an air permeable film, the center of which would overlie opening 3. Accordingly, atmospheric air would pass through the air permeable material. It is respectfully submitted, therefore, that claim 25 patentably distinguishes from the prior art and is allowable.

Consideration and allowance of claims 22-25 are respectfully solicited.

Respectfully submitted,

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